

**ELDER AFFAIRS DEPARTMENT[321]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 231.14 and Iowa Code chapters 231E and 633, the Elder Affairs Department hereby adopts new Chapter 22, "Office of Substitute Decision Maker," Iowa Administrative Code.

This new chapter implements the office of substitute decision maker as created in Iowa Code chapter 231E and establishes standards and procedures for those appointed as substitute decision makers. It also establishes the qualifications of consumers eligible for services.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 10, 2008, as **ARC 7133B**. The public comment period on this Notice ended October 1, 2008.

Two comments regarding new Chapter 22 were received. One expressed concern that the services offered to consumers would result in a heavy caseload for the Elder Affairs Department. The Department will only serve as a substitute decision maker in cases of last resort, when no other decision maker is available.

The second comment expressed concerns about monthly fees that may be charged to consumers based upon their assets, as outlined in subrule 22.13(4), and fees for the sale of real estate, as outlined in paragraph 22.13(5)"b." The Department believes that these fees are both reasonable and justified. No changes were made as a result of the comments.

Since publication of the Notice, one editorial change has been made. In rule 22.6(231E,633), two references to the term "ward" have been changed to "consumer" in order to ensure consistency throughout the chapter.

The Commission adopted these rules during its regularly scheduled meeting on December 3, 2008.

These rules will become effective February 4, 2009.

These rules are intended to implement Iowa Code chapters 231E and 633.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 22] is being omitted. With the exception of the change noted above, these rules are identical to those published under Notice as **ARC 7133B**, IAB 9/10/08.

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[For replacement pages for IAC, see IAC Supplement 12/31/08.]